

3 191
ET

LIBRARY LAWS.

OF THE

E OF CALIFORNIA

1909





LIBRARY LAWS

OF THE

STATE OF CALIFORNIA

California, laws, statutes, etc.

Compiled in the

Law Department of the California State Library

Under the direction of

JAMES L. GILLIS, State Librarian

[Reprinted from News Notes of California Libraries v. 4 no. 2]

SACRAMENTO:

W. W. SHANNON, - - SUPT. STATE PRINTING

1909.

CALIFORNIA STATE LIBRARY

SACRAMENTO

LIBRARY
SCHOOL

7677
C2
1903
LIBRARY
SCHOOL

TRUSTEES

CHARLES S. GREENE, President, - - - OAKLAND
ALLEN B. LEMMON, - - - - - SANTA ROSA
BRADNER W. LEE, - - - - - LOS ANGELES
JOSEPH STEFFENS, - - - - - SACRAMENTO
W. C. VAN FLEET, - - - - - SAN FRANCISCO

J. L. GILLIS, - - - - - LIBRARIAN
MILTON, J. FERGUSON, - - - ASSISTANT

94T
NO. 1151
ANNOUNCED

CONTENTS.

CONSTITUTION OF CALIFORNIA.

Section relating to public libraries	5
--	---

PENAL CODE.

Sections relating to public libraries	6
---	---

GENERAL LAWS.

Founding, maintaining, etc., of public libraries, museums and galleries of art..	7
Municipality library act.....	14
Unincorporated towns library act	21
Deposit of newspaper files in libraries	41

COUNTY LIBRARY SYSTEM	42
-----------------------------	----

TEACHERS' LIBRARIES	53
---------------------------	----

SCHOOL LIBRARIES	55
------------------------	----

COUNTY LAW LIBRARY.....	60
-------------------------	----

SUPREME COURT LIBRARY	69
-----------------------------	----

STATE LIBRARY	71
---------------------	----

DISTRIBUTION OF STATE PUBLICATIONS.

1. By State Librarian	78
2. By Secretary of State.....	79

393686

NOTE.

The following compilation contains the library laws of California which are in force at the present time. It does not, however, include those sections of city charters relating to libraries, because such sections are of local importance only. And with the exception of the laws governing the State Library and of the Supreme Court Library, no laws of separate institutions are given.

Section 410 of the Political Code is given, because, in a way, it supplements Section 409 and furnishes libraries with all the law on the subject of the distribution of State publications.

LIBRARY LAWS

OF THE

STATE OF CALIFORNIA,

1909.

CONSTITUTION OF CALIFORNIA.

Section Relating to Public Libraries.

ARTICLE XIII.

REVENUE AND TAXATION.

SECTION 1. All property in the State, Library property not taxed. not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law. * * *

* *Provided*, that property used for free public libraries * * * shall be exempt from taxation. [Amendment adopted November 6, 1894.]

PENAL CODE.

Sections Relating to Libraries.

Defacing
property,
misde-
meanor.

§ 623. Every person who maliciously cuts, tears, defaces, breaks, or injures any book, map, chart, picture, engraving, statue, coin, model, apparatus, or other work of literature, art, mechanics, or object of curiosity, deposited in any public library, gallery, museum, collection, fair, or exhibition is guilty of a misdemeanor. [Approved March 6, 1901; Stats. 1901, p. 99.]

Willful
deten-
tion,
misde-
meanor.

§ 623½. Whoever willfully detains any book, newspaper, magazine, pamphlet, manuscript, or other property belonging to any public or incorporated library, reading-room, museum, or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time which by the rules of such institution such article or other property may be kept, is guilty of a misdemeanor and shall be punished accordingly. [Became a law under constitutional provision, without Governor's approval, March 14, 1899; Stats. 1899, p. 97.]

GENERAL LAWS.

Founding, Maintaining, etc., of Public Libraries, Museums, and Galleries of Art.

An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions and the control and management thereof.

[Approved March 5, 1887; Stats. 1887, p. 26.]

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person intending in his lifetime, or by will or trust deed, to operate after his death, to found, maintain, and perpetuate in this State a public

Manner of conveying gifts for dissemination of knowledge of arts, etc.

library, museum, gallery of art, or any or all thereof, for the diffusion of mechanical, scientific, artistic, and general knowledge, may to that end and for such purpose, and for any purpose within the purview of the title of this Act, convey in writing by words denoting a gift or grant to one or more trustees named in such gift or grant, and to their successors, any library or collection of books and works for such public library, or any museum, or gallery of art in this State, and such gift or grant may also express, and shall be construed to be a conveyance of the future additions and accretions thereof; and he may also in like manner, to that end, and for such purpose, convey by grant to such trustee or trustees, any real property within this State belonging to him which may be necessary or proper for the erection and maintenance of buildings suitable to such institution, and the buildings erected thereon, with grounds conveniently adjacent thereto, and other lands, tenements, and hereditaments for the purpose of producing an income for the support and maintenance of such institutions, or any of them, and any collateral burdens which may be imposed by the terms of such foundation as part and parcel of the regulations for its conduct, and also personal property of all descrip-

tions, which may subserve the purposes of the institution and maintenance of any such library, museum, or gallery of art.

SEC. 2. Any contributions or gifts by any other person than the founder, of any property suitable to the general plan or support of any institution mentioned in the title of this Act, shall immediately vest in the trustees, and become incorporated into and subject to the trust, and to all its terms and conditions, and be managed under the rules and regulations prescribed therefor.

Gifts by other than founder.

SEC. 3. The person making such gift, grant, or conveyance, as founder, may therein designate :

Directions contained in gift.

1. The name by which the institution so founded and maintained shall be known.

2. Its nature, object, and purposes.

3. The powers and duties of the trustees, which shall not be exclusive of other powers and duties that, in their judgment, may be necessary more effectually to carry out the purposes of such institution.

4. The mode and manner and by whom the successors to the trustees named in the gift or grant shall be appointed.

5. Such rules and regulations for the management of such institution, and the furtherance of its purposes, as the grantor may elect to prescribe ; but such rules and regulations shall, unless the grant shall

otherwise prescribe, be deemed advisory only, and shall not preclude such trustees or their successors from making such changes as new conditions may, from time to time, require.

6. The place or places where the necessary buildings shall be erected, and the general character thereof. The person making such grant may therein provide for all other things necessary or proper to carry out the purposes thereof, or otherwise, by his last will or testament.

Trustees
may sue
and
defend.

SEC. 4. The trustees named in such gift or grant, and their successors, may, in the name of such institution designated in the gift or grant, sue and defend in relation to the trust property, and to all matters affecting the institution so founded and established.

Privileges
granted
to
founder.

SEC. 5. By a provision in such gift or grant, the founder may elect, in respect to the personal and real property conveyed, and the additions and increase thereof, and in respect to the erection, maintenance, and management of any buildings auxiliary thereto, and in respect to any property connected with such institution, to reserve to himself a veto and right of annulment or modification of any act of such trustees, in case he shall, within thirty days after notice of the performance of such act, file in the office of said

trustees, or deliver to their president or principal officer, a notice, in writing, of such veto, annulment, or modification, and upon a like notice, in conformity with a provision in such gift or grant, he may elect to perform during his life all the powers which, by the terms thereof, are vested in or enjoined upon the trustees therein named, and their successors; *provided*, that upon the death or disability to act of the founder and grantor, such powers and duties shall be devolved upon, and be exercised by, the trustees named in the gift or grant, and their successors. Such person may also reserve the right to alter, amend, or modify, at any time during his life, or by his last will and testament, the terms and conditions thereof, and the trusts therein created in respect to such institution, its buildings, and the property conveyed therefor.

SEC. 6. The founder shall have power in said deed of trust to name and describe the character and personality of any one or more of the immediate or future trustees, the librarian, and other officers, and to name and impose any particular duty to be performed by any one or more trustees or other officers, so described and characterized, and to declare and limit any compensation, and fix the character and method of such compensation he may

Founder to reserve right to fix compensation and impose particular duties on trustees.

choose to provide for any such trustee or other officer whom the terms of his foundation may characterize, and upon whom specific or general duties shall be imposed.

Gifts,
how
recorded.

SEC. 7. Any such gift or grant may be executed, acknowledged, and recorded in the manner now or hereafter provided by law for the execution, acknowledgment, and recording of grants of real property.

Time of
com-
mencing
suit.

SEC. 8. No suit, action, or proceeding shall be commenced or maintained by any person to set aside, annul, or affect said gift, grant, or conveyance, or to affect the title to the property conveyed, or the right to the possession or to the rents, issues, and profits thereof, unless the same be commenced within two years after the date of the filing of such grant for record.

Founder
may be-
queath to
State
of Cali-
fornia.

SEC. 9. Any person, being the founder, making a gift or grant for any of the purposes mentioned in this Act may, at any time thereafter, by last will or testament, devise or bequeath to the State of California all or any of the property, real and personal, mentioned in such gift or grant, or in any such supplemental thereto, and such devise or bequest shall take effect in case, from any cause whatever, the gift or grant shall be annulled or set aside, or the trusts therein declared shall for any reason fail. Such devise or bequest is

hereby suffered to be made by way of assurance that the intentions of the grantor shall be carried out, and in the faith that the State, in case it shall succeed to the property, or any part thereof, will, to the extent and value of such property, carry out, in respect to the objects and purposes of any such grant, all the wishes and intentions of the grantor.

SEC. 10. The provisions of this Act shall be liberally construed, with a view to effect its objects and purposes, and the singular number in the construction thereof shall be deemed to include the plural, and the plural number shall be deemed to include the singular.

Liberal
construc-
tion of
pro-
visions.

SEC. 11. Nothing in this Act shall repeal, modify, change, or have any effect upon any of the provisions of an Act of the Legislature of the State of California entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State, of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March ninth, eighteen hundred and eighty-five.

Universi-
ties, col-
leges,
schools,
etc.

SEC. 12. This Act shall take effect immediately.

Municipality Library Act.

An Act to amend an Act approved March 23, 1901, and entitled "An Act to provide for the establishment and maintenance of public libraries within municipalities."

[Amendment approved April 12, 1909.]

The people of the State of California, represented in Senate and Assembly, do enact as follows:

Establish-
ment and
mainte-
nance.

SECTION 1. The common council, board of trustees, or other legislative body of any incorporated city or town in the State of California, may, and upon being requested to do so by one fourth of the electors of such municipal corporation in the manner hereinafter provided, must, by ordinance, establish in and for said municipality a public library; *provided*, there be none already established therein.

Petitions.

SEC. 2. The request referred to in the preceding section may be by a single petition, or by several petitions; *provided*, that such several petitions be substantively in the same form, and that such single petition has, or several such petitions in the aggregate have, the signatures of the requisite number of electors.

SEC. 3. Such public library shall be managed by a board designated as the board of library trustees, consisting of five members, to be appointed by the mayor, president of the board of trustees or other executive head of the municipality, by and with the consent of the legislative body of said municipality. Such trustees shall severally hold office for three years, serving without compensation; *provided*, that the members of the first board appointed shall so classify themselves by lot that one of their number shall go out of office at the end of the current fiscal year, two at the end of one year thereafter, and the other two at the end of two years thereafter. Men and women shall be equally eligible to such an appointment, and vacancies shall be filled by appointment for the unexpired term in the same manner.

Board of trustees.

SEC. 4. Boards of library trustees shall meet at least once a month at such times and places as they may fix by resolution. Special meetings may be called at any time by three trustees, by written notice served upon each member at least three hours before the time specified for the proposed meeting. A majority of the board shall constitute a quorum for the transaction of business. Such boards

Meetings of board.

President of board. shall appoint one of their number president, who shall serve for one year and until his successor is appointed, and in his absence shall select a president pro tem. Such boards shall cause a proper record of their proceedings to be kept.

Powers of board. SEC. 5. Boards of library trustees shall have power:

First—To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the libraries under their management, and all property belonging thereto.

Second—To administer any trust declared or created for such libraries, and receive by gift, devise, or bequest and hold in trust or otherwise, property situated in this State or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such libraries.

Third—To prescribe the duties and powers of the librarian, secretary and other officers and employes of any such libraries; to determine the number of and appoint all such officers and employes, and to fix their compensation, which said officers and employes shall hold their offices or positions at the pleasure of said board.

Fourth—To purchase necessary books, journals, publications and other personal property.

Fifth—To purchase such real property, and erect or rent and equip such buildings or building, room or rooms, as may be necessary, when in their judgment a suitable building, or portion thereof, has not been provided by the legislative body of the municipality for such libraries. Powers of board.

Sixth—To require the secretary of state and other State officials to furnish such libraries with copies of any and all reports, laws and other publications of the State not otherwise disposed of by law.

Seventh—To borrow books from, lend books to and exchange the same with other libraries, and to allow non-residents to borrow books upon such conditions as they may prescribe.

Eighth—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this Act.

SEC. 6. Boards of library trustees shall, on or before the last day of July in each year, make a report to the legislative body of their municipality, giving the condition of the library on the thirtieth day of June preceding, together with a statement of their proceedings of the year then ended, and forward a copy thereof to the State Library at Sacramento. Must make report to governing body and forward copy to state library.

Library
tax levy.

SEC. 7. The legislative body of any municipality in which a public library has been established in accordance with this Act, shall in making the annual tax levy and as part thereof, if the maintenance of the library has not been otherwise provided for, levy a tax for the purpose of maintaining such library and purchasing property necessary therefor, which tax shall be in addition to other taxes, the levy of which is permitted in the municipality. *Provided* that after two years from the establishment of new libraries thereunder, where a maintenance corresponding thereto, has not been otherwise provided, in municipalities of the first, second and third classes, such tax levy shall not exceed two mills on the dollar of assessed valuation, and in municipalities of the fourth, fifth and sixth classes, such levy shall not exceed three mills on the dollar of assessed valuation.

Limit of
tax levy.

Library
fund.

SEC. 8. The revenue derived from said tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be apportioned to a fund to be designated the library fund, and be applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise, bequest, the board shall

provide for the safety and preservation of the same, and the application thereof to the use of the library, in accordance with the terms and conditions of such gift, devise or bequest. Payments from this fund shall be made upon warrants issued after due audit by, and an order from, the library trustees, which warrants shall be signed by the president and secretary of said board of library trustees. The treasurer of the municipality shall pay such warrants without any further order or warrant from any other authority.

Payments
from
fund.

SEC. 9. Every library established under this act shall be forever free to the inhabitants and non-resident taxpayers of the municipality, subject always to such rules, regulations and by-laws as may be made by boards of library trustees; and provided, that for violations of the same a person may be fined or excluded from the privileges of the library.

Library
must be
free.

SEC. 10. Boards of library trustees and the legislative bodies of neighboring municipalities or boards of supervisors of the counties in which public libraries are situated, may contract for lending the books of such libraries to residents of such counties or neighboring municipalities, upon a reasonable compensation to be paid by such counties or neighboring municipalities.

Lending
books to
neighbor-
ing
municipi-
palities.

Title to
property.

SEC. 11. The title to all property acquired for the purpose of such libraries, when not inconsistent with the terms of its acquisition, or otherwise designated, shall vest in the municipalities in which such libraries are, or are to be, situated, and in the name of the municipal corporations may be sued for and defended by action at law or otherwise.

Act of
1880
repealed.

SEC. 12. An Act entitled "An Act to establish free public libraries and reading rooms," approved April twenty-six, eighteen hundred and eighty, is hereby repealed; *provided*, that as to existing libraries this Act is to be deemed a continuation thereof, and such libraries shall be governed hereby accordingly; *provided*, however, that this act shall have no application to any library established or governed by the provisions of a city charter, and the provisions of any city charter shall in no manner be affected by this Act.

Ordinance
may be
repealed.

SEC. 13. Any ordinance establishing a library adopted under the provisions of section one of this Act must be repealed by the body which adopted the same upon being requested to do so by fifty-one per cent. of the electors of such municipal corporations, as shown by the great register then in force, and upon the repeal of such

ordinance such library shall be disestablished in such municipal corporation.

Unincorporated Towns Library Act.

An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and to create boards of library trustees.

[Approved April 12, 1909.]

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any unincorporated town or village of this State may establish, equip and maintain a public library for the dissemination of a knowledge of the arts, sciences and general literature, in accordance with the provisions of this Act.

Unincorporated towns may establish library.

SEC. 2. Upon the application, by petition, of fifty or more taxpayers and residents of said town or village to the board of supervisors in the county in which said

Petition.

Election.

town or village is located, praying for the formation of a library district, and setting forth the boundaries of the said proposed district; the said board of supervisors must, within ten days after receiving said petition, by resolution, order that an election be held in the said proposed district for the determination of the question and shall appoint three qualified electors thereof to conduct said election.

Notice of election.

SEC. 3. Said election shall be called by posting notice thereof in three of the most public places in said proposed library district, and by publication in a daily or weekly paper therein, if there be one, at least once a week for not less than fifteen days. Said notices must specify the time, place, and the purposes of said election, and the hours during which the polls will be kept open; *provided*, that in districts with a population of ten thousand or over, the polls must be opened at eight o'clock A. M., and kept open until seven o'clock P. M., and in districts where the population is less than ten thousand, the polls must not be opened before one o'clock P. M., and must be kept open not less than six hours.

Election,
how con-
ducted.

SEC. 4. Said elections shall be conducted in accordance with the general election laws of this State, where applicable, without reference to form of ballot

or manner of voting, except that the ballots shall contain the words, "For library district," and the voter shall write or print after said words on his ballot the word "Yes," or the word "No."

SEC. 5. Every qualified elector, resident within the proposed district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election above provided for. Who may vote.

SEC. 6. It shall be the duty of the election officers to report the result of said election to the board of supervisors within five days subsequent to the holding hereof. Duty of election officers.

SEC. 7. If a majority of the votes at said election shall be in favor of a library district, the said board of supervisors must, by resolution, establish said library district, and must appoint three trustees; who must be qualified electors and residents within the limits of the proposed library district; to be known and called a board of library trustees, of the town or village for which they are appointed. Such trustees shall severally hold office for three years from the first day of July next succeeding their election and until their successors are elected and qualified; serving without compensation; *provided, however,* that the members of the first board appointed shall be so classified by Library trustees.

the board of supervisors at the time of their appointment, that one of their number shall go out of office on the thirtieth day of June next succeeding his appointment, one at the end of one year thereafter, and the other one at the end of two years thereafter. Vacancies shall be filled by the board of supervisors by appointment for the unexpired term.

If
majority
oppose,
no other
proceed-
ings
within
one year.

SEC. 8. If a majority of the votes cast shall be against a library district, the board of supervisors shall, by order, so declare; no other proceedings shall be taken in relation thereto until the expiration of one year from the date of presentation of the petition.

Estab-
lishment
of library
entered
in
minutes
of board
of super-
visors.

SEC. 9. The fact of the presentation of the petition, and the order establishing the library district and making the appointment of the three library trustees, shall be entered in the minutes of the board of supervisors and shall be conclusive evidence of the due presentation of a proper petition, and that each of the petitioners was, at the time of signature and presentation of the petition, a taxpayer and resident of the proposed district, and of the fact and regularity of all prior proceedings of every kind and nature provided for by this act, and of the existence and validity of the district.

SEC. 10. Boards of library trustees shall meet at least once a month, at such time and place as they may fix by resolution. Special meetings may be called at any time by two trustees, by written notices served upon each member at least twelve hours before the time specified for the meeting. Two members shall constitute a quorum for the transaction of business. At its first meeting held after the first day of July the board shall organize by electing one of its number president, and another one of its number secretary; they shall serve as such for one year or until their successors are elected and qualified. Such boards shall cause a proper record of its proceedings to be kept, and at the first meeting of the board of trustees of any library formed under the provisions of this Act, it must immediately cause to be made out and filed with the State Librarian at Sacramento a certificate showing that such library has been established, with the date thereof, the names of the trustees, and the officers of the board chosen for the current fiscal year.

Meetings
of
library
trustees.

President
and
secretary.

Certificate filed
with
state
librarian.

SEC. 11. The board of library trustees so appointed by the said board of supervisors, and their successors, shall be authorized and they are hereby empowered, and it shall be their duty:

Powers
of
library
board.

First—To make and enforce all rules, regulations, and by-laws necessary for the administration, government and protection of the libraries under their management, and all property belonging thereto.

Second—To administer any trust declared or created for such libraries, and receive by gift, devise, or bequest, and hold in trust or otherwise, property situated in this State or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such libraries.

Third—To prescribe the duties and powers of the librarian, secretary, and other officers and employees of any such libraries; to determine the number of and appoint all such officers and employees, and fix their compensation, which said officers and employees shall hold their offices and positions at the pleasure of said boards.

Fourth—To purchase necessary books, journals, publications, and other personal property.

Fifth—To purchase such real property, and erect or rent and equip, such building or buildings, room or rooms, as in their judgment may be necessary to properly carry out the provisions of this Act.

Sixth—To require the Secretary of State and other State officials to furnish such libraries with copies of any and all reports, laws, and other publications of

the State not otherwise disposed of by law.

Powers
of
library
board.

Seventh—To borrow books from, lend books to, and exchange the same with other libraries, and to allow non-residents to borrow books upon such conditions as the board may prescribe.

Eighth—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this Act.

Ninth—To file, through their secretary, on or before the last day in the month of July of each year, a report with the State Librarian at Sacramento giving the condition of their library and the number of volumes contained therein on the thirtieth day of June preceding.

Tenth—To designate the hours during which the library shall be open for the use of the public; *provided, however*, that all public libraries established under the provisions of this Act, shall be open for the use of the public during every day in the year.

SEC. 12. In any library district formed under the provisions of this Act, which is now maintaining a public library, or which shall have petitioned for and has been granted permission to establish, and intends to maintain a public library in accordance with this Act, it shall be the duty of the board of library trustees

Estimate
of main-
tenance
fund.

Bond
election.

therein, to furnish to the board of supervisors of the county wherein said library district is situated, each and every year, on or before the first day of September, an estimate of the cost of leasing temporary quarters; purchasing a suitable lot; of procuring plans and specifications and erecting a suitable building; of furnishing and equipping the same, and of fencing and ornamenting the grounds, for the accommodation of the public library, and of conducting and maintaining the same for the ensuing fiscal year, or for any or all of said purposes; *provided, however,* that the board of library trustees, may, when in its judgment it is deemed advisable, and upon the petition of fifty or more taxpayers residing within said library district, must, call an election and submit to the electors of the said library district whether the bonds of said library district shall be issued and sold for any or all of the purposes of this Act.

Tax levy
for
library.

SEC 13. When such estimate shall have been submitted to the board of supervisors of any county in which a public library district has been established, the said board of supervisors, must, at the time of levying county taxes, levy a special tax upon all of the taxable property within the limits of the said library district, sufficient in amount to maintain

the said public library, or to purchase the site, erect and equip the building, improve the grounds or building, or for any or all of the purposes of this Act. The taxes so levied shall be computed, entered upon the tax roll, and collected in the same manner as other taxes are computed, entered and collected.

SEC. 14. The revenue derived from said tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be paid into the county treasury to the credit of the library fund of the district wherein said tax was collected, subject only to the order of the library trustees of said district. If such payment into the treasury should be inconsistent with the terms or conditions of any such gift, devise, or bequest, the board of library trustees shall provide for the safety and preservation of the same, and the application thereof to the use of the library, in accordance with the terms and conditions of such gift, devise or bequest. Library fund.

SEC. 15. Every library established under the provisions of this Act shall be forever free to the inhabitants and non-resident taxpayers of the library district, subject always to such rules, regulations, and by-laws as may be made by the board Library free.

of library trustees; *also provided*, that for violations of the same a person may be fined or excluded from the privileges of the library.

May lend
books to
neighbor-
ing muni-
cipalities
or
districts.

SEC. 16. Boards of library trustees and the boards of trustees of neighboring library districts, or the legislative bodies of neighboring municipalities, or boards of supervisors of the counties in which public libraries are situated, may contract to lend the books of such libraries to residents of such counties or neighboring municipalities, or library districts; upon a reasonable compensation to be paid by such counties, neighboring municipalities, or library districts.

Title to
property.

SEC. 17. The title to all property acquired for the purposes of such libraries, when not inconsistent with the terms of its acquisition, or not otherwise designated, shall vest in the district in which such libraries are, or are to be situated. Every library district must be designated by the name and style of library district, (using the name of the district), of county, (using the name of the county in which said district is situated); and in that name the trustees may sue and be sued, and may hold and convey property for the use and benefit of such district. A number

must not be used as a part of the designation of any library district.

SEC. 18. An election for library trustee must be held in each library district, annually; at the public library, if there is one, and if there is none, at the place to be designated by the board of trustees; for the election of one library trustee, who shall hold office for three years dating from the first day of July next succeeding his election, or until his successor shall be elected, or appointed and qualified.

Election
of
trustees.

SEC. 19. The number of library trustees for any library district established under the provisions of this Act, shall be three.

Number
of
trustees.

SEC. 20. Not less than ten days before the election required in section eighteen of this Act, the trustees must post notices in three public places in the district, one of which places shall be the public library; which notices must specify the time and place of election, and the hours during which the polls will be kept open; if within five days of holding the election the trustee have failed to post the notices required under this section, then any three electors of the district may give notice.

Notices of
election.

SEC. 21. Boards of trustees must appoint one inspector and two judges to

Conduct
of
election.

conduct the said election, if none are so appointed, or, if those appointed are not present at the opening of the polls, the electors present may appoint them, and they shall conduct the election. Any member of the board of library trustees is hereby qualified to administer the oath and swear in the election officers.

SEC. 22. In library districts with a population of ten thousand or over, the polls must be open at eight o'clock A. M., and kept open until seven o'clock P. M.; in districts where the population is less than ten thousand the polls must not be opened before one o'clock P. M., and must be kept open not less than six hours.

Who may
vote.

SEC. 23. Every elector, resident of the library district, who is a qualified elector of the county, and who is registered in the district where the election is held at least thirty days before the election, may vote thereat.

Vote by
ballot.

SEC. 24. Voting must be by ballot (without reference to the general election law in regard to nominations, form of ballot, or manner of voting,) which shall be handed by the elector voting to the inspector, who shall then, in his presence deposit the same in the ballot box, and the judges shall enter the elector's name on the poll list.

SEC. 25. Any person offering to vote <sup>Vote may be chal-
lenged.</sup> may be challenged by any elector of the district, and the judges of election must thereupon administer to the person challenged an oath, in substance as follows: "You do swear that you are a citizen of the United States, that you are twenty-one years of age, that you have resided in this State one year, in this county ninety days, and in this library district thirty days preceding this election, and that your name is on the great register of this county and was on the great register of a precinct of this library district at least thirty days before this election, and that you have not before voted this day." If he takes the oath prescribed in this section, his vote must be received, otherwise his vote must be rejected.

SEC. 26. A poll and tally list must be <sup>Poll and
tally list.</sup> kept and must be returned to the board of library trustees.

SEC. 27. The officers of election must <sup>Canvass
of votes.</sup> publicly canvass the votes immediately after closing the polls, and make, sign, and deliver certificates of election to the person elected, which must, with the oath of office of the person so elected attached, be forwarded to the county clerk and filed in his office.

Bond
election.

SEC. 28. The board of trustees of any library district may, when in their judgment it is deemed advisable, and must, upon a petition of fifty or more taxpayers and residents of said library district, call an election and submit to the electors of the district, whether the bonds of such district shall be issued and sold for the purpose of raising money for the purchase of suitable lots, of procuring plans and specifications and of erecting a suitable building, of furnishing and equipping the same, and of fencing and ornamenting the grounds, for the accommodation of the public library, or for any or all of the said purposes, or for any or all of the purposes of this Act; for liquidating any indebtedness incurred for said purposes, and for refunding any outstanding valid indebtedness, evidenced by bonds or warrants of the district.

Notice of
bond
election.

SEC. 29. Such election must be called by posting notices, signed by the board, in three of the most public places in the district, for not less than twenty days before the election; and if there is a newspaper published in the district, or if not, a newspaper published in the county, by publishing such notice therein not less than once a week for three successive weeks.

SEC. 30. Such notice must contain:—

1. Time and place of holding such election ;

2. The names of inspectors and judges to conduct the same ;

3. The hours during the day in which the polls will be open ;

4. The amount and denomination of the bonds, the rate of interest and the number of years, not exceeding forty, the whole or any part of said bonds are to run.

SEC. 31. The election shall be conducted in accordance with the provisions of twenty-one, twenty-two, twenty-three, twenty-five, twenty-six, twenty-seven, of this Act, in so far as they are applicable to the election for bonds. Election, how conducted.

SEC. 32. Voting must be by ballot (without reference to the general election law in regard to form of ballot, or manner of voting,) except that the words to appear on the ballot shall be, "bonds—yes," and "bonds—no," and except further, that persons voting at such bond election shall put a cross (X) upon their ballots, with pencil or ink, after the words, "bonds—yes," or "bonds—no," (as the case may be) to indicate whether they have voted for or against the issuance of the bonds ; which said ballot shall be handed by the elector voting to the inspector, who shall Vote by ballot.

then, in his presence, deposit the same in the ballot box, and the judges shall enter the elector's name on the poll list.

Canvass
of votes,

SEC. 33. On the seventh day after said election, at eight o'clock P. M., the returns having been made to the board of trustees, the board must meet and canvass said returns, and if it appears that a majority of the votes cast at said election was in favor of issuing such bonds, then the board shall cause an entry of such fact to be made upon its minutes and shall certify to the board of supervisors of the county, all the proceedings had in the premises, and thereupon said board of supervisors shall be and they are hereby authorized and directed to issue the bonds of said district, to the number and amount provided in such proceedings, payable out of the building fund of such district, naming the same, and that the money shall be raised by taxation upon the taxable property in said district, for the redemption of said bonds and the payment of the interest thereon; *provided*, that the total amount of bonds so issued shall not exceed five per cent of the taxable property of said district, as shown by the last equalized assessment book of the county.

Issue of
bonds.

Amount
of bonds.

Form
of bonds.

SEC. 34. The board of supervisors by an order entered upon its minutes shall

prescribe the form of said bonds and of the interest coupons attached thereto, and must fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than forty years from the date thereof.

SEC. 35. Said bonds must not bear a greater amount of interest than six per cent, said interest to be payable annually or semi-annually; and said bonds must be sold in the manner prescribed by the board of supervisors, but for not less than par, and the proceeds of the sale thereof must be deposited in the county treasury to the credit of the building fund of said library district, and be drawn out for the purposes aforesaid as other library moneys are drawn out.

SEC. 36. The board of supervisors, at the time of making the levy of taxes for county purposes, must levy a tax for that year upon the taxable property in such district, at the equalized assessed value thereof for that year, for the interest and redemption of said bonds, and such tax must not be less than sufficient to pay the interest of said bonds for that year, and such portion of the principal as is to become due during such year, and in any event must be high enough to raise, annually, for the first half of the term said bonds have to run, a sufficient sum to pay

Interest
on bonds.

Tax levy
for
interest
and re-
demption
of bonds.

the interest thereon; and during the balance of the term, high enough to pay such annual interest, and to pay, annually, a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run, and all moneys so levied, when collected, shall be paid into the county treasury to the credit of the said library district, and be used for the payment of principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer, upon the warrant of the county auditor, out of the fund provided therefor; and it shall be the duty of the county auditor to cancel and file with the county treasurer the bonds and coupons as rapidly as they are paid.

Unsold
bonds.

SEC. 37. Whenever any bonds issued under the provisions of this Act shall remain unsold for the period of six months after having been offered for sale in the manner prescribed by the board of supervisors; the board of trustees of the library district for or on account of which said bonds were issued; or of any library district composed wholly or partly of territory which, at the time of holding the election authorizing the issuance of such

bonds, was embraced within the district ^{Unsold} for or on account of which such bonds ^{bonds.} were issued, may petition the board of supervisors to cause such unsold bonds to be withdrawn from market and canceled. Upon receiving such petition, signed by a majority of the members of said board of trustees, the supervisors shall fix a time for hearing the same, which shall be not more than thirty days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the petition in general terms, to be published for ten days prior to the day of hearing, in some newspaper published in said library district, if there is one, and if there is no newspaper published in said library district, then in a newspaper published at the county seat of the county in which said library district or part thereof is situated. At the time and place designated in the notice for hearing said petition, or at any subsequent time to which said hearing may be postponed, the supervisors shall hear any reasons that may be submitted for or against the granting of the petition, and if they shall deem it for the best interests of the library district named in the petition that such unsold bonds be canceled, they shall make and enter an order in the minutes of their proceedings that

said unsold bonds be canceled, and thereupon said bonds, and the vote by which they were authorized to be issued, shall cease to be of any validity whatever.

District
may be
dissolved.

SEC. 38. The district may at any time be dissolved upon the vote of two thirds of the qualified electors thereof, upon an election called by the library trustees of such district, upon the question of dissolution. Such election shall be called and conducted in the same manner as other elections of the district. Upon such dissolution, the property of the district shall vest in any incorporated town or city that may at such time be in occupation of a major portion of the territory of such library district and including within its town or city limits the property and buildings wherein the library is situated; and if there be no such incorporated town or city, then the property shall be vested in the board of supervisors of the county until the formation of such a town or city; *provided, however*, that if, at the time of such election to dissolve such district, there be any outstanding bonded indebtedness of such district, the vote to dissolve such district shall dissolve the same for all purposes excepting only the levy and collection of taxes for the payment of such indebtedness; and from the time such district is thus dissolved until such

Tax levy
to cover
indebted-
ness of
dissolved
district.

bonded indebtedness, with the interest thereon, is fully paid, satisfied and discharged, the legislative authority of such incorporated town or city, or the board of supervisors, if there be no such incorporated town or city, is hereby constituted ex officio the library board of such district. And it is hereby made obligatory upon such board to levy such taxes and perform such other acts as may be necessary in order to raise money for the payment of such indebtedness and the interest thereon, as herein provided.

SEC. 39. All acts or parts of Acts conflicting with the provisions of this Act are hereby repealed.

SEC. 40. This Act shall take effect immediately.

Deposit of Newspaper Files in Libraries.

An Act to authorize the deposit of certain newspaper files kept in recorders' offices, in free public libraries.

[Approved March 19, 1909.]

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The county boards of supervisors of the several counties may authorize the recorders of their several

Deposit
of news-
papers in
public
libraries.

counties to deposit with any free public library maintained at the county seat such newspaper files, or portions thereof, as may be in the custody of such recorders by virtue of an Act approved April 8, 1862, and entitled "An Act for the purchase and preservation of public newspapers, printed and published in the several counties of this State," or by virtue of any other Act.

Agree-
ment
required.

SEC. 2. Before making such deposit, the said board of supervisors shall obtain from the board of trustees or other authorities in charge of such free public library an agreement that they will properly preserve and care for such newspaper files, and make them accessible to the public.

COUNTY LIBRARY SYSTEM.

An Act to provide county library systems.

[Approved April 12, 1909.]

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The boards of supervisors of the several counties shall have power to establish and maintain, within their counties, county library systems in the

manner and with the functions prescribed in this Act.

SEC. 2. The board of supervisors of any county may submit the question of establishing a county library system to a vote of the electors of such county in the following manner:

They shall, not less than fourteen days before the annual election of school trustees, send notices to the board of trustees of each school district in the county, declaring that a vote on the question of establishing a county library will be taken at the coming election of school trustees. The trustees shall post such notice in three public places within the district. The board of supervisors shall thereupon prepare two sets of ballots, one reading "for a county library" and the other "against a county library," and send a sufficient number of them to the board of school trustees in each school district in the county. These ballots shall be kept on hand at the place where said election is held, and each elector voting at such election may use one of these ballots to express his wishes regarding the establishing of a county library. Such election for the establishment of a county library shall be conducted substantially in the manner prescribed for the election of school trustees, except that the result

Vote on
establish-
ment
of county
library.

shall be certified to the county board of supervisors, instead of the county superintendent of schools.

Vote in
cities.

In cities, where no election for school trustees is held on the day when such elections are held in other school districts of the county, the county board of supervisors may order a special election on the question of establishing a county library, to be held on the same day as in the school districts outside of such city, and be conducted substantially as elections for the issue of county bonds are now conducted.

Canvass
of votes.

After the certificates of the election officers have been received by the county board of supervisors, the said board shall canvass and declare the result, and thereafter if a majority of the votes cast are for a county library, must pass an ordinance establishing a county library as herein provided.

may not
partici-
pate.

SEC. 3. Not less than five days before any election regarding the establishing of a county library, as provided in section two of this Act, the board of trustees, common council, or other legislative body of any incorporated city or town in the county, or the board of trustees of any library district, may notify the board of supervisors that such city, town, or library district, does not desire to participate in the

county library system, and thereafter such city, town, or library district shall not participate in such election, and its inhabitants shall not be entitled to the benefits of such county library system when established, and the property within such city, town, or library district shall not be taxed for county library purposes. But such notice may at any time be withdrawn by such city, or library district.

SEC. 4. The county library shall be under the general supervision of a committee of three selected annually by the county board of supervisors from among its own members. The said committee shall elect a county librarian, who shall hold office for the term of four years, subject to prior removal for cause, after a hearing, by the library committee. The cause of such removal, together with all proceedings therefor, shall be spread upon the minutes of such committee. The said county librarian need not be a resident of the county nor a citizen of the State of California at the time of his election. Prior to entering upon the duties of his office, such county librarian shall file with the county clerk the usual oath of office and a bond, conditioned upon the faithful performance of his duties, with sufficient sureties approved by a judge of the

County
library
com-
mittee.

County
librarian.

Superior Court, in such sum as may be determined by the county board.

Certifi-
cation of
eligibility
of
librarian.

SEC. 5. No person shall be eligible for the office of county librarian, unless he has received, prior to his election, from the State Librarian, or from the librarian of the University of California, or the Leland Stanford Junior University, a certificate to the effect that in the opinion of such librarian he is well qualified for the office. If at any time there shall be established by law in this State a system of certification of qualified librarians, each county librarian elected thereafter for a first term must hold a proper certificate provided by such system, in place of the certificate above mentioned in this section. The sal-

Salary of
librarian.

ary of the county librarian shall, in the counties of the first to tenth classes, be two thousand four hundred dollars per annum; in the counties of the eleventh to twenty-ninth classes, two thousand dollars per annum; in counties of the thirtieth to fortieth classes, one thousand five hundred dollars per annum; in counties of the forty-first to fifty-fourth classes, one thousand dollars per annum; and in counties of the fifty-fifth to fifty-eighth classes, seven hundred and fifty dollars per annum. The county librarian shall also be allowed his actual and necessary expenses

incurred in traveling on the business of his office.

SEC. 6. The library committee appointed by the county board of supervisors, as aforesaid, shall have power to make general rules and regulations regarding the policy of the county library, and to determine the number and kind of employees of such library. But the appointment and dismissal of such employees, and the management of the business of the library, including the determination of what books shall be purchased, shall be entirely within the power of the county librarian.

Powers of
library
com-
mittee.

Powers of
librarian.

SEC. 7. The county librarian shall, subject to the general rules adopted by the library committee, build up and manage, according to accepted principles of library management, a library for the use of the people of the county. He shall coöperate in every expedient manner with the librarians of other public libraries within the county, including the county law library, and render such assistance to all as will tend to increase their efficiency, and may establish delivery stations and branch libraries within the county. For this purpose, he may employ such assistants as may be authorized by the library committee; *provided*, that where such

Duties of
librarian.

Co-opera-
tion.

services are rendered to a library belonging to any municipal corporation not taxed for the county library system, such services shall be paid for at a fair rate of compensation by such library, payable into the county library fund established by this Act.

County
systems
under
general
supervi-
sion of
state
librarian.

Conven-
tion of
county li-
brarians.

Ex-
penses.

SEC. 8. The county library systems of the State shall be under the general supervision of the State Librarian, who shall from time to time, either personally or by one of his assistants, visit the libraries in each county and inquire into their condition. The actual expenses of such visits shall be defrayed out of the state library fund. The State Librarian may annually call a convention of county librarians, to assemble at such time and place as he shall deem most convenient, for the discussion of questions pertaining to the supervision and administration of the public libraries, the laws relating thereto, and such other subjects affecting the welfare and interest of the county libraries as shall properly be brought before it. It is hereby made the duty of all the county librarians to attend and take part in the proceedings of such convention when it is called. The actual expenses of the county librarians attending the convention shall be paid out of the county library fund.

SEC. 9. The county librarian shall on or before the 15th day of July in each year, report to the county board of supervisors on the condition of his library system for the year ending June 30th preceding. Such reports shall, in addition to other matters deemed expedient by the county librarian, contain such statistical and other information regarding the county library system as may be deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several county libraries instructions or question blanks, so as to obtain the material for a comparative study of library conditions in the State. At the time of making his annual report, the county librarian shall send a copy thereof to the State Librarian.

Annual report.
Copy to state librarian.

SEC. 10. The county libraries established under this Act shall be free to the use of the public; *provided*, that only residents of the county outside of cities, towns, and library districts not taxed for county library purposes shall have the privilege of drawing books therefrom for use outside of the rooms of the library. Persons violating any of the reasonable rules established by the library authorities may be excluded from the use of the library.

County libraries free.

Tax levy
for
library.

SEC. 11. The county board of supervisors, after a county library has been established, shall annually levy in addition to all other taxes levied by them, a tax not to exceed one mill on the dollar of assessed valuation for the purpose of purchasing property for, and maintaining the county library. County bonds may be issued, in the manner prescribed in section 4088 of the Political Code, for the erection and equipment of library buildings and the purchase of land therefor. The county board of supervisors is authorized to receive, on behalf of the county, any gift, bequest or devise for the county library. The title to all the property belonging to the county library shall be vested in the county. All funds of the county library system, whether derived from taxation or otherwise, shall be in the custody of the county treasurer. They shall constitute a separate fund, called the county library fund, and shall not be used for any purposes except those of the county library system. No money shall be paid out of the said county library fund, except on an order signed by the chairman of the library committee, and countersigned by the county librarian or his assistant. The said chairman shall sign no order upon the library fund, until

County
library
fund.

Payments
from
fund.

a proper voucher for the claim upon which such order is based is filed and until such claim has been duly audited and allowed by the library committee. The fact that such claim has been audited and allowed shall be endorsed upon the voucher and attested by the signatures of at least two members of the committee.

SEC. 12. Instead of establishing a separate county library, the county board of supervisors may enter into a contract according to the provisions of this section with any city or incorporated town maintaining a free public library; and the board of library trustees, or other authorities in charge of such free public library of any such city or town, is hereby authorized to make such a contract. The said contract may provide that the public library of such city or town shall assume the functions of a county library within the county with which such contract is made, as provided in this Act. The county board of supervisors may agree to pay annually into the library fund of such city such sum as may be agreed upon. Either party to such contract may terminate the same by giving six months' notice of intention to do so.

Contract with public library to carry on work.

SEC. 13. After a county library system has been established, it shall not be

System may be discontinued.

System
may be
discon-
tinued.

discontinued except by the two thirds vote of the electors of the county voting at a special election called for the sole purpose of determining whether such library shall be discontinued. Such election shall be carried on substantially in the manner now prescribed for the election on the issuing of county bonds.

TEACHERS' LIBRARIES.

POLITICAL CODE.

§ 1565. Except for a temporary certificate, every applicant for a teacher's certificate, or for the renewal of a certificate, upon presenting his application, shall pay to the county superintendent a fee of two dollars. All money so received by the county superintendent shall immediately be deposited by him in the county treasury. The county treasurer shall credit one half of all moneys so received to a separate fund to be known as the teachers' institute fund and the other half to a fund to be known as the teachers' library fund. The teachers' institute fund may be expended in payment of the services of such instructors in the county teachers' institute as are not teachers in the public schools of the county in which such institute is held. For this purpose warrants may be drawn by the auditor upon the request of the county superintendent. The teachers' library fund may be expended, in a similar manner for the establishment of a teachers' library and for the transportation of library books, and other reading matter of the teachers'

May
become
part of
county
library
system.

library, to and from the various schools of the county. The county superintendent may act as librarian thereof, but whenever in any county there is a county library, the county superintendent may require the county treasurer to credit all moneys payable to the teachers' library fund to the county library fund, and may transfer to the county library all books and other property belonging to the teachers' library, and thereupon the county library shall administer the teachers' library as part of itself; but all funds received from the county superintendent in accordance with this section shall be expended exclusively for the purchase and maintenance of books of professional interest to teachers. [Amendment approved February 20, 1909.]

SCHOOL LIBRARIES.

POLITICAL CODE.

§ 1712. First. The board of school trustees, and the city board of education in any city, must expend the library fund, together with such moneys as may be added thereto by donation, in the purchase of school apparatus and books for a school library, including books for supplementary work; and no warrant shall be drawn by the superintendent of schools upon the order of any board of trustees against the library fund of any district unless such order is accompanied by an itemized bill, showing the books and apparatus, and the price of each, in payment of which the order is drawn, and unless such books and apparatus have been adopted by the county, or city, or city and county board of education. All orders of the trustees and of boards of education for books or apparatus must in every case be submitted to the superintendent of schools of the county, or city, or city and county, respectively, for his approval, before said books or apparatus shall be purchased.

Each
book to be
stamped.

Second. The trustees of each district shall cause each book now in their district school library, or that may hereafter be placed in said library, to be stamped on the flyleaf, on the title page, and on each one hundredth page of the book, with the words, "Department of Public Instruction, State of California, County, District Library," and the county superintendent is hereby authorized and instructed to procure such stamp for each district in his county, and to pay for the same out of the county school fund of such district. [Amendment approved March 23, 1893; Stats. 1893, 256.]

Library
fund.

§ 1713. Except in cities not divided into school districts the library fund shall consist of not less than five nor more than ten per cent of the county school fund annually apportioned to the district; *provided*, that should ten per cent exceed fifty dollars, fifty dollars only shall be apportioned to the district; except that in districts having five or more teachers, there shall be apportioned a sum not less than ten dollars nor more than fifteen dollars for each teacher employed; *and provided further*, that the school trustees of each district in the county shall, in the month of July in each year, notify the

superintendent of the county as to what amount they desire to be apportioned for their respective districts for the year.

§ 1714. In cities not divided into school districts the library fund shall consist of a sum not to exceed fifty dollars for every one thousand children, or fraction thereof of five hundred or more, between the ages of five and seventeen years, annually taken from the city or county school fund apportioned to the city. The superintendent shall apportion the library fund in cities not divided into districts among the several schools in proportion to the average number of children belonging to each school. [Amendment approved March 23, 1893.]

Library fund in cities.

§ 1715. Libraries may be maintained under the control of the district board of trustees or city board of education, and in such case shall be open to the use of the teachers, pupils and all residents of the district. Wherever practicable, the library shall be kept open during vacation and non-school days. Whenever the county in which a district is situated shall maintain a county library, the board of school trustees or city board of education may agree with the proper authorities of such county to make the school library a branch of such county library. In such event, such board of school trustees or

School libraries open to all residents.

May become branch of county system.

city board of education shall turn over the books and other property of the district library to the county library, and shall annually transfer to such county library its library fund, as soon as it is available, to be kept and expended as other funds of such county library. The said county library shall thereupon make such district library a branch library, managed and maintained according to the rules and regulations established by the authorities of the county library. [Amendment approved March 10, 1909.]

School
librarian.

§ 1716. The board of school trustees of a district maintaining its own library shall have power to appoint a teacher or other proper person librarian of the district library. It shall be the duty of such librarian to manage such library as efficiently as possible, and whenever expedient request the advice and assistance of some person experienced in the art of managing libraries. Whenever a district library shall have become a branch library as provided in section 1715 of this code, the provisions of subdivision 2 of section 1712, and of section 1717 of this code, shall not apply to them; but in all such cases the county, or city, or county and city, superintendent of schools may draw a warrant for the whole amount of the

Warrant
payable
to county
library.

district library fund, payable to the proper authorities of the county library, upon the filing with him of a copy of the resolution of the board of trustees of the district, or city board of education, embodying the agreement made with such county library, which copy shall be duly certified as correct by the clerk of the district, or other proper officer. [Amendment approved March 10, 1909.]

§ 1717. The trustees shall be held accountable for the proper care and preservation of the library, and shall have power to assess and collect all fines, penalties, and fees of membership, and to make all needful rules and regulations not provided for by the state board of education, and not inconsistent therewith; and they shall report annually to the county superintendent all library statistics which may be required by the blanks furnished for the purpose by the superintendent of public instruction. [New section approved March 28, 1874.]

Trustees
account-
able for
care of
school
library.

COUNTY LAW LIBRARY.

POLITICAL CODE.

- § 4190. How established and governed; fund for, created.
- 4191. For what purposes fund for may be used.
- 4192. Trustees of, managers of board of.
- 4193. Trustees of, how constituted.
- 4194. Trustees to serve without compensation.
- 4195. Trustees, duties and powers of.
- 4196. Duties of auditor and treasurer on demand of trustees.
- 4197. Trustees of, annual report of.
- 4198. Supervisors to furnish room for.
- 4199. Trustees, meeting and officers of.
- 4200. Who entitled to privileges of.
- 4201. Secretary of state to furnish publications to.
- 4202. Librarian of supreme court library to furnish duplicates of books to.
- 4203. Repeal of certain laws. Limitations on effect of this article.
- 4204. May be discontinued, how.

Law
library,
how
estab-
lished.

§ 4190. On the commencement in, or removal to, the superior court of any county in this State of any civil action, proceeding, or appeal, on filing the first papers therein, the party instituting

such proceeding, or filing the said first papers, and thereafter any defendant or respondent or adverse party, or intervening party, on his first appearance therein (or any number of such defendants or respondents or adverse parties appearing jointly therein), shall pay to the clerk of said court (in addition to fees fixed by law), the sum of one dollar as costs, for a fund which shall be designated as the "Law Library Fund," to be expended in the purchase of law books and periodicals, and in the establishment and maintenance of a law library at the county seat of said county, which law library shall be governed and controlled, and said fund be expended by the board of trustees hereinafter provided.

Fees for.

Control.

§ 4191. All moneys collected as provided in the preceding section shall be paid by said clerk into the hands of the treasurer of his county, who shall keep the same separate and apart in the "Law Library Fund," and shall be drawn therefrom as in this article provided, but only to be used and applied to the purposes herein authorized.

Disposition of fund.

§ 4192. Any law library established under the provisions of this Act shall be governed and managed by the "Board of

Government.

Law Library Trustees" in this article provided.

Trustees
of, how
consti-
tuted.

§ 4193. There shall be in every county of this State a board of law library trustees, consisting of five members, to be constituted as follows: In every county where there are only three superior court judges, the said judges shall be ex-officio such library trustees; the chairman of the board of supervisors shall be ex-officio such a trustee; and the board of supervisors shall appoint a member of the bar of the county to act as such trustee; such appointment shall be made at the first meeting of the board of supervisors after the establishment of a law library in such county, and the appointee shall serve until the first meeting of the board of supervisors in the succeeding January; and the said board shall, at any such meeting in each succeeding January, appoint such a trustee to serve for the term of one year. In every county where there are more than three judges of the superior court, the judges of such county shall elect three of their number to serve as such trustees, and otherwise said board shall be as provided in this section. In all counties where there are less than three judges of the superior court, the board shall be constituted as provided in this section, save

that the board of supervisors shall appoint sufficient members of the bar to make up the requisite number of trustees.

§ 4194. The office of trustee shall be ^{Office of,} honorary, and without salary or other ^{honorary.} compensation.

§ 4195. Such board of trustees, by a ^{Duties} majority vote of all their members, to be ^{and} recorded in the minutes, with the ayes and ^{powers of} noes at length, shall have power: ^{trustees.}

First—To make and enforce all rules, regulations, and by-laws necessary for the administration, government, and protection of such library, and all property belonging thereto, or that may be loaned, devised, bequeathed, or donated to the same.

Second—To remove any trustee, except an ex-officio trustee, who may neglect to attend the meetings of the board of trustees, or who may absent himself from such meetings, and fill all vacancies that may from any cause occur in the board.

Third—To define the powers and prescribe the duties of any and all officers, determine the number, and elect all necessary subordinate officers and assistants, and at their pleasure remove any officer or assistant.

Fourth—To purchase books, journals, publications, and other personal property.

Fifth—To order the drawing and payment, upon properly authenticated vouchers, duly certified by the president and secretary, of money from out of the law library fund, for any liability or expenditure herein authorized, and generally do all that may be necessary to carry into effect the provisions of this article.

Sixth—To fix the salaries of the librarian, secretary, and other subordinate officers and assistants.

Seventh—To contract with any existing law library association to make use of its library for the purposes of a public law library, under proper rules and regulations to be prescribed by the board of trustees, either by lease or such other contract as may best carry the purposes of this article into effect.

Duties of
auditor
and treasurer.

§ 4196. The orders and demands of the trustees of any such public law library, when duly made and authenticated as above provided, shall be verified and audited by the auditing officer, and paid by the treasurer of such county out of the library fund properly belonging thereto, of which full entry and record shall be kept as in other cases.

Annual
report of
trustees.

§ 4197. The said board of trustees, on or before the first Monday in December of each year, shall make an annual report to

the board of supervisors of their county, giving the condition of their trust, with full statements of all their property and money received, whence derived, how used and expended, the number of books, periodicals, and other publications on hand; the number added by purchase, gift, or otherwise during the year; the number lost or missing, and such other information as might be of interest. A financial report, showing all receipts and disbursements of money, shall also at the same time be made by the secretary of the board of trustees, duly verified by his oath.

§ 4198. The board of supervisors of Library room. any such county shall provide a library-room for the use of such library, whenever such room may be demanded by such board of trustees.

§ 4199. The said board of trustees shall Meetings. meet the first Tuesday of each month, and at such other times as they may appoint, at a place to be appointed for that purpose; and a majority of all their number shall constitute a quorum for business. They shall appoint one of their number Officers. as president of their board. They shall elect a secretary, who shall keep a full statement and account of all property, money, receipts and expenditures, and a

record and full minutes, in writing, of all their proceedings. They may appoint a librarian. The secretary may certify to such proceedings, or any part or portion thereof, under his hand, verified by an official seal, adopted and provided by the trustees for that purpose.

Who
entitled
to privi-
leges of.

§ 4200. Said libraries shall be free to the judiciary, county officials, and members of the bar of said county, and to all inhabitants of said county; but the board of trustees may provide that no books shall be removed from said libraries, except by the judiciary, county officials, and members of the bar, without the payment of such dues as the board of trustees may ordain, and under such rules or regulations as may be by them provided.

Secretary
of state to
furnish
publica-
tions.

§ 4201. The Secretary of State is hereby authorized and directed to transmit to the county clerk of each county of the State, for the use of said library, a copy of each and every publication which may hereafter be made by this State, and especially a copy of each report of the decisions of the supreme court, district courts of appeal, and of the statutes of this State; and also a copy of all such reports and statutes heretofore published.

Supreme
court
library,
duplicate
books.

§ 4202. The librarian of the supreme court library is hereby authorized and

directed to distribute among the law libraries herein provided for such duplicates of books as may be in State Library, and not needed for its own purposes.

§ 4203. Wherever a law library, and a board of trustees to govern the same, is in existence under the provisions of any law, in any county, or city and county, in this State, this article shall not be considered a repeal of any legislation under which such library is established and now governed, but shall be deemed to confer upon such library the benefits of section forty-one hundred and ninety; *provided, however*, that it shall be discretionary with the board of supervisors of any county to provide by ordinance for the application of the provisions of this article to such county.

Limitations on effect of this article.

§ 4204. Whenever the board of supervisors in any county in this State which shall have adopted the provisions of this article and have established a law library, desire to discontinue such law library, they shall by ordinance declare their intention so to do, and shall provide in such ordinance that the books already in the library shall be transferred to and kept in the chambers of the judges of the superior court of such county; and all moneys on hand in the library fund of such county

May be discontinued, how.

shall be by the same ordinance transferred to the school fund of such county, and the office of the board of trustees of such law library shall be abolished. After such an ordinance shall take effect, the county clerk of such county shall not collect the fees provided for in section four thousand one hundred and ninety.

Addition
to law
library
fund.

§ 4221a. The boards of supervisors of the several counties of this State are hereby authorized at their discretion to set apart each month from the fees collected by the county clerks in addition to fund now provided for by law, a sum not exceeding thirty dollars in any one month, to be paid by the county clerk into the "law library fund" designated in section four thousand one hundred and ninety of this code and when so paid into said fund the same shall constitute a part thereof and to be used for the same purpose as said fund is now used. [New section approved March 8, 1909.]

SUPREME COURT LIBRARY.

POLITICAL CODE.

- § 2313. Who may use.
- § 2314. Librarian and his duties.
- § 2315. Who may take books.
- § 2316. Fund for support of.

§ 2313. This library is for the use of the justices and counselors-at-law of the Supreme Court. Who may use.

§ 2314. The justices of the Supreme Court are hereby authorized to appoint a librarian for the Supreme Court library, Librarian. who, under their direction, shall conduct its affairs and be responsible for its care. He shall receive the salary provided for in section seven hundred and thirty-nine of this Code. [Amendment approved March 27, 1897.]

§ 2315. Books may be taken from this library by the justices of the Supreme Court. At the request of a counselor of the court, the bailiff must take from the library to the courtroom books for use in the argument of any cause. Who may take books.

§ 2316. The Supreme Court library fund consists of fees collected by the clerk of the court, as provided in Section 753 of this Code, and is under the control of the Fund.

court. Upon its order the controller must, without the approval of any board, draw his warrant upon the treasurer for the amount specified, and in favor of the person designated in such order, which warrant must be paid out of such fund.

Fund.

§ 753. All fees collected by him [clerk of Supreme Court] must be paid into the State treasury, eighty per cent thereof to the credit of the general fund, and twenty per cent thereof to the credit of the Supreme Court library fund. [Amendment approved March 26, 1878.]

Salary.

§ 739. The annual salaries of the officers of the Supreme Court are as follows:
* * * the librarian, fifteen hundred dollars.

STATE LIBRARY.

POLITICAL CODE.

- § 343. Executive officers.
- 2292. Board of trustees.
- 2293. Powers and duties of board.
- 2294. Term of office of librarian.
- 2295. Duties of librarian.
- 2296. Who may take books.
- 2297. Books taken by members of legislature.
- 2298. Books taken by state officers.
- 2299. Liability for injury to books.
- 2300. Library fund.
- 2301. Library hours.
- 2302. Salary of librarian.
- 2303. Salary of deputies.
- 2304. Bond of librarian.
- 2305. When this chapter takes effect.

Title I, Chapter III. Executive Officers.

§ 343. The number and designation of the civil executive officers are as follows:
* * * *; five trustees of the State Library; a State Librarian; two deputies for the State Librarian.

§ 2292. The State Library is under the control of a board of trustees consisting of five members, holding their offices for the term of four years, and appointed by the Governor in the following manner, to wit:

Board of trustees.

Three trustees shall be appointed for the full term of four years, from and after the twenty-eighth day of February, nineteen hundred and two; and two trustees shall be appointed for the term of two years from and after said date. At the expiration of the terms of office of the trustees appointed as above provided, their successors shall thereafter be appointed for the full term of four years. Appointments to fill vacancies caused by death, resignation, or removal shall be for the unexpired term only. [Amendment February 25, 1899.]

Powers
and
duties of
board.

§ 2293. The powers and duties of the board are as follows:

1. To make rules and regulations, not inconsistent with law, for its government and for the government of the library;

2. To appoint a librarian, who must designate one of his deputies as chief deputy;

3. Whenever necessary, to authorize the librarian to appoint an additional deputy and other assistants;

4. To sell or exchange duplicate copies of books;

5. To keep in order and repair the books and property in the library;

6. To draw from the State treasury at any time, all moneys therein belonging to the library fund;

7. To prescribe rules and regulations permitting persons other than those named in section twenty-two hundred and ninety-six, to have the use of books from the library ;

8. To collect and preserve statistics and other information pertaining to libraries, which shall be available to other public libraries within the State applying for the same ;

9. To make to the Governor, biennially, a report of its transactions ;

10. To establish, in their discretion, deposit stations in various parts of the State, under the control of an officer or employee of the State Library ; *provided*, that no books shall be kept permanently away from the main library, which may be required for official use. [Amendment approved March 18, 1909.]

§ 2294. The librarian holds his office Term of librarian. for the term of four years, unless sooner removed by a unanimous vote of all the trustees.

§ 2295. It is the duty of the librarian : Duties.

1. To be in attendance at the library during office hours.

2. To act as secretary of the board of trustees, and keep a record of their proceedings.

Duties.

3. To purchase books, maps, engravings, paintings, and furniture for the library.

4. To number and stamp all books and maps belonging to the library, and to keep a catalogue thereof.

5. To have bound all books and papers that require binding.

6. To keep a register of all books and property added to the library, and of the cost thereof.

7. To keep a register of all books taken from the library.

8. To distribute to the State University, to the Leland Stanford Jr. University, to each incorporated college in the State, to each public library therein, and to such other literary and scientific institutions therein as his judgment may dictate, one copy each of all official State publications, including the laws, journals and appendices of the Legislature, and to establish and maintain with similar public institutions of the general government, the other states, and foreign countries, a system of exchange of such State publications for like official publications and other valuable works. The State Librarian is empowered to make requisition upon the Secretary of State for a sufficient number of such State publications, to enable him to carry out the requirements of this subdivision.

§ 2296. Books may be taken from the library by the members of the Legislature during the sessions thereof, and by other State officers at any time. Who may take books.

§ 2297. Books taken by members of the Legislature must be returned at the close of the session; and before the controller draws his warrant in favor of any member of the Legislature for his last week's salary, he must be satisfied that such member has returned all books taken by him and paid for any injuries thereto. Books taken by members of legislature.

§ 2298. The controller, when notified by the State Librarian that any officer or employee of the State for whom he draws a warrant for salary has failed to return any book taken by him (or for which he has given an order) within the time prescribed by the rules, or the time within which it was agreed to be returned, and which notice shall give the value thereof, must, after first informing said officer or employee of such notice, upon failure by him to return the said book, deduct from the warrant for the salary of said officer or employee, twice the value of such book, and place the amount so deducted in the state library fund. In case of the neglect or refusal on the part of any officer or employee of the State to return a book for which he has given an order or a receipt Books taken by state officers.

or has in his possession, the State Librarian is authorized to purchase for the library a duplicate of said book, and to notify the controller of such purchase, together with the cost of the same. Upon the receipt of such notice from the librarian, the controller must deduct twice the cost of said duplicate book from the warrant for the salary of said officer or employee, and place the amount so deducted in the state library fund. The State Librarian is empowered to bring suit in his official capacity for the recovery of any book or books, or for three times the value thereof, together with costs of suit, against any person having the same in his possession or being responsible therefor. In case the librarian has purchased a duplicate of any book as provided in this chapter, he is authorized to bring suit as aforesaid for three times the amount so expended for said duplicate, together with costs of suit.

Injury to
books.

§ 2299. Every person who injures or fails to return any book taken is liable to the librarian in three times the value thereof.

Library
fund.

§ 2300. Five thousand dollars of the fees collected by the Secretary of State each month and paid by him into the state treasury shall constitute the state

library fund. [Amendment approved February 20, 1909.]

§ 2301. During the session of the legislature and of the supreme court, the library must be kept open every day from nine o'clock A. M. until nine o'clock P. M., and at other times during such hours as the trustees may direct. Library hours.

§ 2302. The annual salary of the librarian is thirty-six hundred dollars. [Amendment approved March 19, 1909.] Librarian's salary.

§ 2303. The annual salary of each deputy is eighteen hundred dollars. Deputy's salary.

§ 2304. The librarian must execute an official bond in the sum of three thousand dollars. Bond of librarian

§ 2305. This chapter shall be in force and effect from and after the first day of May, eighteen hundred and seventy-two.

DISTRIBUTION OF STATE PUBLICATIONS.

1. By State Librarian.

§ 409. All reports and other publications of state officers, commissions and departments, except the laws, resolutions and journals of the legislature, shall be delivered by the state printer to the state librarian, except that twenty-five per cent of the whole number of reports or other publications shall be delivered to the officer, commission or department issuing them. The librarian shall immediately distribute the same as follows:

1. To the library of congress, three copies.

2. To the State Library or other library or department in each State, authorized to receive them, one copy.

3. To the librarians of the University of California and the Leland Stanford Junior University, one copy each.

4. To each member of congress from California, to each of the United States district judges in this State, to each of the judges of the supreme court, the district courts of appeal and the superior courts of this State, one copy.

5. To the chief of each administrative department of the State government, and to each of his deputies, one copy.

6. To the lieutenant governor, each member of the legislature, the secretary of the senate and the clerk of the assembly, one copy each.

7. To each public library, and each library connected with an incorporated college or other educational, scientific, literary or art institution in this State, which may apply to be put on the mailing list for all or a portion of the State publications, one copy.

All copies left on hand after distribution as above shall be sent to any person applying therefor, except those publications required by law to be sold which shall be sold as heretofore. *Provided*, that no person shall be entitled to more than one copy of each publication. [Amendment approved March 20, 1909.]

2. *By Secretary of State.*

§ 410. The laws, resolutions and journals of the legislature shall be delivered by the state printer to the secretary of state, who shall immediately distribute them as follows:

1. To the library of congress, three copies.

2. To the State Library or other library or department in each State, authorized to receive them, two copies.

3. To the librarians of the University of California and the Leland Stanford Junior University, two copies each.

4. To each United States senator and each member of congress from California to each of the United States district judges in this State, to each of the judges of the supreme court, the district courts of appeal, and the superior courts of this State, one copy.

5. To the chief of each administrative department of the State government, and to each of his deputies, one copy.

6. To the lieutenant governor, each member of the legislature, the secretary of the senate and the clerk of the assembly one copy each.

7. To each public library, and each library connected with an incorporated college or other educational, scientific, literary or art institution in this State which may apply to be put on the mailing list for all or a portion of the State publications, one copy.

8. To the State Library, fifty copies, or so many more as the state librarian may require for exchange purposes.

9. Of the laws alone, to the county clerk

of each county, in the cheapest and most expeditious manner, to be by the sheriff distributed under the direction of the clerks, one copy for the board of supervisors, one copy to each county officer and each justice of the peace and police judge; and of the journals, three copies of each house, to each county clerk for the use of the county.

The secretary of state must also distribute of the bound volumes of the decisions of the supreme court, and of the district courts of appeal, as soon as he receives them:

1. To each State, two copies.
 2. To the library of congress, the supreme court library and the district courts of appeal libraries, two copies each.
 3. To each department of this State, and to each of the United States district judges of this State, supreme, district courts of appeal and superior judges of this State, one copy.
 4. To each district attorney and county clerk, one copy.
 5. To the reporter of the decisions, ten copies.
 6. To the State Library, ten copies.
- [Amendment approved March 20, 1909.]









